

Application Number: 15/10040 Full Planning Permission

Site: STONEY STACK, 17 ASHLEY LANE, HORDLE SO41 0GB

Development: Retention of single-storey extension

Applicant: Mr & Mrs Richardson

Target Date: 26/03/2015

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area.

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
6. Towns, villages and built environment quality

Policies

CS2: Design quality

Local Plan Part 2 Sites and Development Management Development Plan Document

No relevant policies

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

National Planning Policy Framework
NPPF Ch. 7 - Requiring good design

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

No relevant documents

6 RELEVANT PLANNING HISTORY

14/10368 Roof alterations, single storey side extensions 20th May 2014

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council recommend refusal on the grounds that the extension was built without planning permission and also the Party Wall legislation was not followed. This has had a detrimental effect on neighbouring properties and was carried out without consultation with them.

Further comments were received to clarify the reasons for refusal. The Parish Council confirmed that they supported the comments raised by the owner of the neighbouring property. They added that Councillors were concerned regarding the issue of the extension's proximity to the neighbouring property causing problems for maintenance. Concern was also raised regarding the poor communication with the adjacent neighbour before and during construction.

8 COUNCILLOR COMMENTS

- 8.1 Councillor Lovelace: Two letters of support. Considered a nice add on to the bungalow; aware building inspectors involved; note that next door's gutter was over the boundary of the bungalow.
- 8.2 Councillor Tinsley: Appears it was built under permitted development and visited by building inspectors during construction. Despite being marginally over height, it does not seriously affect neighbours' amenity.

9 CONSULTEE COMMENTS

Land Drainage - No comment

10 REPRESENTATIONS RECEIVED

Two letters of objection from neighbour at number 19 Ashley Lane for the following reasons:-

- Overdevelopment of site, infilling and loss of open space.
- Visual impact on the development, extension is obtrusive and the design out of sympathy with the rest of the property. Overbearing, out of scale and out of character with the existing bungalow
- The extension is prominent even when the property is viewed from Stopples Lane.
- Effect on residential amenity of neighbours. Maintenance problems; Substantial excavation work could have a serious impact on the existing structures. Extension is built over drains, exterior wall built on boundary.
- The scale and bulk of the extension has an adverse effect on the visual amenity of the area as a whole. Inappropriate and unsympathetic to the appearance of the local environment.
- Noise and disturbance during construction period between June and October 2014.
- Inaccuracies in previous correspondence from agent.

One letter of support from neighbour at 1 Stopples Lane for the following reasons:-

- Whilst the extension is visible it is unobtrusive and blends in well with the existing building.
- It utilises a shaded and virtually unusable space and makes a worthwhile addition to the property.

The agent has written in respect of the objection received with the following comments:-

- No objection was received by the neighbour during the previous application which included an extension to the west elevation.
- Numerous properties in Ashley Lane are built up to the side boundaries.

- The site area is 460 square metres with the building footprint being only 160 square metres, leaving 300 square metres amenity space.
- Prior to the erection of the extension there was a 1.8 metre concrete fence on the common boundary with number 19 which collapsed. This was not reinstated in order to allow additional space for dustbin storage.
- The neighbour's view that the extension is obtrusive and out of sympathy is a subjective view.
- The building work was carried out under Building Regulation and inspected by an inspector until the completion certificate was issued. Works to the public sewer were approved by Southern Water.
- There are no windows to number 17 overlooking the neighbouring property.

11 CRIME & DISORDER IMPLICATIONS

No relevant implications

12 LOCAL FINANCE CONSIDERATIONS

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development is not liable for CIL.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The property is a detached bungalow on a corner plot in an area where there is a mixture of styles and sizes of properties. A large chimney is positioned on the external wall of the east elevation. A detached garage is located to the rear which is accessed via Stopples Lane. The front and side gardens adjacent to the highway are defined by low walls and high hedges. The level of the land rises up slightly from Stopples Lane.
- 14.2 The main issue to take into consideration when assessing this application is the general design and its impact on the street scene. The property has recently been extended to the side at ground floor level, which is the subject of this application. The reason for the refusal on the previous application (14/10368) was for the impact on the street scene from an extension to the east elevation and did not include specific objection to the extension to the west.
- 14.3 The neighbouring property at number 19 is a two storey dwelling which is built up to the shared boundary. High hedges form the shared boundary to the front. There is a small gap retained between the properties and this neighbour (No. 19) has utilised this area for dustbin storage. This neighbour has raised an objection to the extension for a number of reasons which include the visual impact, loss of spatial gap and the effect on residential amenity in terms of lack of space for maintenance to their walls and the drains. There are no windows on this neighbour's side elevation which faces the application site and therefore the side extension to the west does not have an adverse impact on this neighbour's amenity in terms of loss of light or visual intrusion.
- 14.4 There is a loss of the spatial gap between the properties but being only at ground floor the overall impact on the spatial characteristics of the street scene is considered acceptable. This neighbour has also raised concern that the building of the extension has compromised the stability of the structures, however along with the maintenance of the walls, this would not be a planning concern. The drainage of the site would be considered under building regulations and with no adverse comment from the Council's Drainage Engineer is not considered material to this application.
- 14.5 The property at number 2 Stopples Lane is a bungalow and has an attached garage built up to the shared boundary with a high hedge beyond. Given the separation between the properties there would not be a significant adverse impact on this neighbour.
- 14.6 Hordle Parish Council have recommended refusal and have agreed with the objections raised by the neighbour at number 19. Further comment from the Parish are made in terms of the extension being built without planning consent and the Party Wall Act not followed. There are not considerations when determining this application. The Party Wall Act is civil legislation and not planning matters.
- 14.7 The single storey side extension has a flat roof design with a parapet wall to a height of 3.2 metres which is higher than the eaves of the property. While this results in a form of development which is not sympathetic to

the existing dwelling, as it is only single storey, is set back both from the road and marginally from the front wall of the existing property, with some established hedge screening to the front, on balance the overall impact on the street scene is considered to be acceptable. While part of the extension is visible from Stopples Lane it is set back considerably and is not imposing in this street scene context.

14.8 In conclusion, while a reduced height would be preferable, the extension is not visually imposing in this location and does not have an unacceptable impact on neighbour amenity. Therefore the application is recommended for approval.

14.9 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant planning consent

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended plans 15.01.2A

Further Information:

Householder Team
Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Chris Elliott
Head of Development Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee
May 2015**

Item No: 3(k)
Stoney Stack
17 Ashley Lane
Hordle
App No 15/10040
SZ2695

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

